

CHAPTER NO. 914

HOUSE BILL NO. 3163

By Representatives Hargrove, Buck, Jackson, Scroggs, McDonald, Haley, Hargett, Pleasant, Kent, Ralph Cole

Substituted for: Senate Bill No. 2941

By Senators Person, Davis, Crutchfield

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 35, relative to criminal sentencing.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-35-210, is amended by deleting subsections (d) and (e) in their entirety and substituting instead the following:

(d) Should there be enhancement but no mitigating factors for a Class B, C, D and E felony, then the court may set the sentence above the minimum in that range but still within the range. Should there be enhancement but no mitigating factors for a Class A felony, then the court shall set the sentence at or above the midpoint of the range. Should there be mitigating but no enhancement factors for a Class A felony, then the court shall set the sentence at or below the midpoint of the range.

(e) Should there be enhancement and mitigating factors for a Class B, C, D and E felony, the court must start at the minimum sentence in the range, enhance the sentence within the range as appropriate for the enhancement factors, then reduce the sentence within the range as appropriate for the mitigating factors. Should there be enhancement and mitigating factors for a Class A felony, the court must start at the midpoint of the range, enhance the sentence within the range as appropriate for the enhancement factors, and then reduce the sentence within the range as appropriate for the mitigating factors.

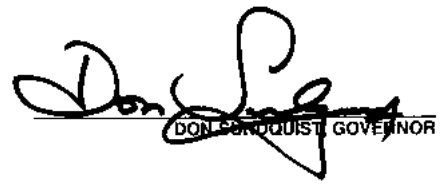
SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 23, 1998


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 7th day of May 1998


DON CONRAD GOVERNOR